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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,447

04/08/2004

Joseph J. Kubler

14364US24

2456

23446 7590 04/01/2008  
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EXAMINER

HALIYUR, VENKATESH N

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

04/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/822,447	<b>Applicant(s)</b> KUBLER ET AL.	
	<b>Examiner</b> VENKATESH HALIYUR	<b>Art Unit</b> 2619	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-42.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Edan Orgad/  
 Supervisory Patent Examiner, Art Unit 2619

/Venkatesh Haliyur/  
 Examiner, Art Unit 2619

Continuation of 11. does NOT place the application in condition for allowance because: Examiner respectfully disagrees with the applicant's argument for claims 1-42, see remarks filed on 03/07/2008 and points applicants to references as follows;

With respect to applicant's argument for claims 1-42, that Huang fails to teach, suggest or disclose "...a plurality of mobile network devices comprising a buffer that stores incoming digital voice information for a predetermined queuing period before beginning voice reproduction from the stored digital voice..", However, Huang disclosed plurality of mobile network devices in a mobile network, base stations (items 114-116 of Fig 1), communication units (items 101-110 of Fig 1), and means for storing incoming digital voice information for a certain period before beginning voice reproduction from the stored digital voice data in col 3, lines 12-42 (Fig 3) in a device (console) connected to the mobile network via packet gateway (item 121 of Fig 1) and Huang further disclosed that the protocol used by the LAN can be any protocol able to accommodate packetized voice (col 2, lines 30-40), therefore a broad interpretation of the claim limitation "mobile network device" has been given in rejecting these claims.

With respect to applicant's argument that Huang fails to teach, suggest or disclose "...a telephone connected to said stationary network device, that captures, delivers, receives and reproduces voice in an analog voice stream form", However, Huang disclosed an embodiment wherein the streams of decoded voice information is received, reproduced and delivered to the speaker in col 3, lines 3-11, Fig 2.

With respect to applicant's argument that Huang fails to teach, suggest or disclose a buffer that stores digital voice information received from said wireless network for a predetermined queuing period before converting the stored digital voice information into an analog voice stream and delivering voice stream to said telephone..", However, Huang disclosed data routers (items 207-208 of Fig 2) assigns buffers (items 200-202 of Fig 2) that stores digital voice information received from said wireless network for a predetermined queuing period (delay time) before converting the stored digital voice information into an analog voice stream and delivering voice stream to said telephone..(device) " in col 2, lines 53-67, col 3, lines 1-11, col 3, lines 52-67, col 4, lines 1-2.

With respect to applicant's argument that Huang fails to teach, suggest or disclose that stationary network device converts analog voice streams received from said telephone into voice packets for delivery via said hardwired and wireless networks to a selected one of said plurality of mobile network devices..", However, Huang disclosed that the communication system (Figs 1-3) comprising interconnected wireless and LAN networks, communication units, base stations, packet gateway and consoles that provides packetized voice communication between the communication units of the talkgroups (col 2, lines 3-23, Fig 1) and therefore a broad interpretation of the this limitation has been made in rejecting the claims.

With respect to applicant's argument that Huang fails to teach, suggest or disclose " using a polling protocol to manage wireless routing of data and voice packets.", However, Huang disclosed that the protocol used by the LAN can be any protocol to accommodate packetized voice (col 2, lines 23-40) and the packet gateway and data routers to handle data packets (col 2, lines 11-13) and therefore a broad interpretation of the LAN protocols (polling and wireless protocols) has been given in rejecting the claims.

A broad interpretation of the claim limitations as recited in the claims has been given in rejecting the claims 1-42 using Huang reference.